



February 25, 2020

MEMORANDUM FOR: FOH MEDICAL EMPLOYABILITY PROGRAM

FROM: *Octavia Richardson*
OCTAVIA JOHNSON RICHARDSON
Reasonable Accommodation Coordinator

SUBJECT: Medical Assessment Request

The General Services Administration (GSA) requests your review of the reasonable accommodation request submitted by:

Employee Name: Melbea Davis
Position: Budget Analyst
Grade: GS-13
Region: National Capital Region
Organization: Office of the Chief Financial Officer
Office: Building Operations Division Zone 4
Location: 1800 F Street NW, Washington, D.C. 20405

Employee's Request: Full-time Telework

Background

The employee has been employed with GSA since October 21, 2002. The employee is a Budget Analyst whom works on budget and financial management activities, to include the review and reconciliation of financial accounts, significant interaction with others on high-impact matters in a fast-paced, time sensitive pace. This position allows for some remote work but requires regular face-to-face engagement.

For more than 9 years the employee worked full-time as a union representative and she reported to the office to handle union matters. In early 2019, GSA changed the union designations, rights, and roles. This changed called for all union reps designated with more than 50% representational roles to return to their "home" organizations and offices to work in their assigned job positions with an allowance for some union representation activity. Effective March 17, 2019, Ms. Davis reintegrated into the Office of the Chief Financial Officer, Building Operations Division as a Budget Analyst. Since Ms. Davis had not worked in her Budget Analyst role for more than 9 years she would need significant training on new systems and processes.

As a result of this transition Ms. Davis initially requested prior to her start date in her position. Ms. Davis requested the following:

OVER →

Ms. Davis to sign the Authorization of Disclosure Forms but she and her union rep delayed and eventually did not sign the forms. As a result, at that time FOH completed a review without the disclosure forms. (See attached). Ms. Davis tried again with this current request not to sign the FOH Authorization of Disclosure Forms. A lot of time has been spent dealing with Ms. Davis during this process but she finally signed the forms.

Workplace flexibility – all staff in Ms. Davis' office is required to report to the office one-day per week and work on an Alternative Work Schedule (allowed one-day off every pay period)

The agency has offered the following accommodations: building parking and ergonomic equipment, to include an adjustable height desk and ergonomic chair. For almost 6 months management has allowed Ms. Davis to telework until the reasonable accommodation process is resolved. Recently, Ms. Davis said that she's been diagnosed with another condition for which she did not provide medical documentation to the agency.

GSA's Request to FOH: The employee's chiropractor opined that she should not drive greater than five minutes and recommended full-time telework. The employee's doctors are located greater than 30 minutes from the employee's residence and she stated that she drives herself. Additionally, during this process, when management requested the employee reported to the office by driving herself more than 30 minutes from her residence.

Specifically, GSA request FOH to review the relevant medical records and consult with treating physicians to determine the employee's capacity to commute to the office one day per week.

1. Describe and explain the nature, severity, and duration of this Ms. Davis' medical conditions;
2. What major life activities of Ms. Davis are affected by the condition/s;
3. Describe and explain the current medical limitations imposed on Ms. Davis resulting from the disabling condition/s;
4. Describe and explain the current medical limitations imposed on Ms. Davis as a result of negative side effects from any mitigating measures used to treat the conditions;
5. Please explain the degree in which Ms. Davis' limitations impede her mobility (walking, sitting, standing, etc.) (relative to time and distance) on a daily or intermittent basis;
6. Please explain the degree in which Ms. Davis' limitations impede her extremities to ambulate with prolonged weight-bearing (carrying, lifting, pulling, pushing) (specify duration and weight)(specify);
7. As a Budget Analyst, Ms. Davis serves in budget and financial management to include the review and reconciliation of financial accounts,



April 26, 2019

Office of Human Resources Management

MEMORANDUM FOR MELBEA DAVIS
Budget Analyst

FROM: *Octavia R. Johnson*
OCTAVIA R. JOHNSON
Reasonable Accommodation Coordinator

SUBJECT: Medical Assessment Request

In pursuit of your reasonable accommodation request you submitted a letter wherein Jonathan C. Nou, D.C., confirmed that you suffer from chronic low back pain and osteoporosis that restricts your driving. For this reason, he recommended full-time telework on a permanent basis. While your doctor provided the basis for his recommendation, additional information is needed to assess the effects of your conditions and for appropriate accommodations to perform your job requirements.

Due avoid further delay of this needed medical inquiry, at this point, an independent medical assessment would best serve to better understand the most effective accommodations to support both your medical limitations and to allow you to perform all your job duties.

In accordance with GSA Reasonable Accommodation Policy HRM 2300.1, I request for you to sign a release to allow an independent physician at the Department of Health and Human Services, Federal Occupational Health Division (FOH) to review your relevant medical documents and to consult with your physician, at no cost to you. FOH will provide a medical assessment that will serve to assist the Agency with its own assessment and final management decision.

Attached is the FOH release form. Please return the signed release form no later than April 30, 2019. If you do not wish to sign a release to allow for the FOH review the deciding official will render a final decision on your request for accommodation with the available information, which may result in a denial.

Please submit the release form and direct any related questions to me.
Octavia.johnson@gsa.gov, (202) 631-3667.



Octavia Johnson - CRSA <octavia.johnson@gsa.gov>

Request for Reasonable Accommodation

1 message

Melbea Davis - BR4B <melbea.davis@gsa.gov>

Fri, Mar 8, 2019 at 9:36 AM

To: Octavia Johnson Richardson - CPWA <octavia.johnson@gsa.gov>

Cc: Monica King - BR4R <monica.king@gsa.gov>

Good Morning Octavia,

Just spoke with Monica King, my immediate supervisor, and she has referred me to contact you in regards to my request for reasonable accommodation.

Please provide instructions and details,

Thank you,

Melbea Davis



Octavia Johnson - CRSA <octavia.johnson@gsa.gov>

Re: URGENT!. Need Your Assistance - New Official Time Policy Issues

1 message

Melbea Davis - BR4B <melbea.davis@gsa.gov>

Tue, Mar 12, 2019 at 11:21 AM

To: Carlos Brown - CPDB <carlos.brown@gsa.gov>

Cc: Monica King - BR4R <monica.king@gsa.gov>, Octavia Johnson Richardson - CPDC <octavia.johnson@gsa.gov>

Thank you very much Carlos,

On Tue, Mar 12, 2019 at 10:04 AM Carlos Brown - CPDB <carlos.brown@gsa.gov> wrote:
Good Morning Melbea,

The effective date for the modification to HR Links allowing for electronic input of requests, authorizations, and documentation of official time requests has been aligned with the beginning of the next pay period (3/17/19), not this week as originally planned. Ms. King has been notified and will be able to assist you with regard to any request for official time. The request to telework until the disposition of your reasonable accommodation rests solely with her and I am sure that she will contact you soon regarding the request. Prayerfully, once you have the meeting with her, some of your concerns will be answered.

Concerns regarding the reasonable accommodation process is under the purview of Octavia Richardson and I have cced her, so she can address your concerns and the appropriateness of your request to work in the union office during times when you are not on "official time".

Respectfully,

GSA

U.S. General Services Administration

Carlos R. Brown Sr
Labor Relations Specialist
Washington Area Service Center
Office of Human Resources Management (OHRM)
301 7th Street SW
Washington, DC 20407
Office: (202) 969-5583
Mobile: (b) (6)
E-mail: carlos.brown@gsa.gov

<https://insite.gsa.gov/topics/hr-pay-and-leave>

On Tue, Mar 12, 2019 at 9:12 AM Melbea Davis - BR4B <melbea.davis@gsa.gov> wrote:
Good Morning Carlos,

Need your assistance please,

Forwarding my e-mail to you from Monica King, my immediate supervisor (see forwarded e-mail). I recognize that new guidelines and policy for Union Reps is has been mandated. But, these new guidelines present some issues for me. 1) Reasonable Accommodation, 2) change in Telework and 3) HRLinks malfunction.

1) I have previously been granted Reasonable Accommodations for medical issues and until the new guidelines and policies, the accommodations have been appropriate. Under the new guidelines, coupled with my medical requirements, I have requested of Ms. King, to grant temporary accommodations until an updated Request for Accommodations can be processed (I e-mailed Octavia Richardson last week per Ms Kings instruction, with no response as of to date). I feel my requests need to be responded to in a timely manner to prevent any misunderstanding or violation of HR policies and regulations, otherwise I'm left in limbo. For example, I have requested to be allowed to continue to sit in the Union Office during non Union status hours. One specific reason is my ergonomic chair and set up in the Union Office meets the requirements of my approved reasonable accommodation. Ms. King has ignored my request and has e-mailed me to secure a desk via Book it. I have requested of Ms. King to either allow me to continue to sit at the Union desk, or provide a permanent work space with approved ergonomic accommodations, including a ergonomic chair. I am not medically able to move the one ergonomic chair from work space to work space.

Second, I have requested to temporarily be allowed to Telework as a reasonable accommodation until my request for RA can be updated. Under current applicable law, as an accommodation, I may be allowed an alternate work schedule and work site to accommodate medical appointments and impediments to my work site. I have been assigned a Handicap space at the ROB loading dock. I unable to appropriate access to ROB from the loading dock because the loading dock does not have a handicap ramp and I am unable to lift my device up the loading dock stairs. I am also not able to walk the distance from my Handicap space to the handicap ramp located on either 7th Street or D Street entrances.

Third, just so you're aware, as of earlier this morning, HRLinks does not contain the Absence Detail Filter "Union Official Time". Your suggestion on how I'm to request Official Time under new guidelines??

To me, the remedy is simple, if allowed to Telework. I can fully fulfill the duties and responsibilities of my positions if so allowed to continue to Telework.

I am requesting your assistance in bridging this communication gap with Ms. King and management.

Thank you,

Melbea

----- Forwarded message -----

From: Melbea Davis - BR4B <melbea.davis@gsa.gov>

Date: Mon, Mar 11, 2019 at 6:37 AM

Subject: Re: Invitation: Discussion w/Melbea @ Tue Mar 12, 2019 11am - 12pm (EDT) (melbea.davis@gsa.gov)

To: Monica King - BR4B <monica.king@gsa.gov>

Good Morning Monica,

This is all getting so complicated. I will be available in the ROB on Tuesday, March 12, if you get out of your meeting early. I'll await your call either way.

Issues for your consideration:

GSA has previously granted me Reasonable Accommodation in the nature of ergonomic work station, including an ergonomic chair as my disability has previously been documented by GSA. In the pass, I have been allowed to report to ROB Room 5519, while in non Union status. I am requesting that I be allowed to continue to report to Room 5519 when not Teleworking, because I only have one ergonomic chair. I am not able to move the chair from location to location.

I am also requesting to be allowed to Telework until my Reasonable Accommodation request has been processed. The processing of my request should not be a problem, as my disability has already been recognized by GSA and the Department of Labor.

I appreciate your consideration of my requests and look forward to our meeting to discuss how I will successfully complete work assignments.

Melbea

On Fri, Mar 8, 2019 at 11:52 AM Monica King - BR4B <monica.king@gsa.gov> wrote:

Sure. As mentioned earlier, I have a meeting/training for a new budget execution tool that's being rolled out and that's from 1-3:00 PM and I will be getting off at 3:30 so I won't be able to meet with you. I can give you a call if the meeting lets out early. If not, I can schedule the meeting for Wednesday morning at 9:00 AM.

I'll await your response as to which works better.

Monica King

Building Operations Division Zone 4 (BR4B)

Office of the Chief Financial Officer

U.S. General Services Administration, National Capital Region

301 7th Street, SW, Rm. 7062

Washington, DC 20407

202-205-1959 (Office)

(b) (6)

monica.king@gsa.gov

On Fri, Mar 8, 2019 at 11:05 AM Melbea Davis - BR4B <melbea.davis@gsa.gov> wrote:
Hi Monica,

Just read e-mail from my daughters' school requesting I attend an event for her on March 12 at 10:30 am. I will be coming to the ROB at 1:00 pm on March 12. Can we reschedule our meeting?

I apologize for the confusion,

Melbea

On Fri, Mar 8, 2019 at 9:18 AM Monica King - BR4B <monica.king@gsa.gov> wrote:

Discussion w/Melbea[more details »](#)

When Tue Mar 12, 2019 11am – 12pm Eastern Time - New York

Where ROB, Rm. 7062 (map)

Calendar melbea.davis@gsa.gov

Who

- monica.king@gsa.gov - organizer
- melbea.davis@gsa.gov

Going (melbea.davis@gsa.gov)? Yes - Maybe - No [more options »](#)

Invitation from Google Calendar

You are receiving this email at the account melbea.davis@gsa.gov because you are subscribed for invitations on calendar melbea.davis@gsa.gov.

To stop receiving these emails, please log in to <https://www.google.com/calendar/> and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. [Learn More.](#)

GSA

Octavia Johnson - CRSA <octavia.johnson@gsa.gov>

Handicap Access - Loading Dock

1 message

Carlos Brown - CPDB <carlos.brown@gsa.gov>
To: Melbea Davis - BR4B <melbea.davis@gsa.gov>
Cc: Octavia Johnson Richardson - CPDC <octavia.johnson@gsa.gov>

Thu, Mar 21, 2019 at 2:59 PM

Good Afternoon Melbea,

Thank you for your patience.

I just heard back from Richard Mace, on yesterday but was unable to contact you, until now..

Bottom Line Up Front: Rex Pace, National Accessibility Officer, Office of Chief Architect, PBS has determined that in accordance with Architectural Barriers Act Accessibility Standards (ABAAS), NCR / ROB has an acceptable number of accessible entrances.

As a result of the concern you raised, the Potomac Service Center reached out to the office of the Chief Architect, to review the concerns raised and provide verification / recommendations.

Mr. Rex Pace, National Accessibility Officer concluded that NCR / ROB meets the Architectural Barriers Act Accessibility Standards (ABAAS). It was recommended that you contact the Reasonable Accommodation Coordinator to submit a request for adjustment of parking location.

The Reasonable Accommodation Coordinator is Octavia Johnson-Richardson. She can be reached at 202-357-9599 (w), (b) (6) or octavia.johnson@gsa.gov

I have attached a copy of the email from Mr. Pace to Richard Mace, Construction Safety and Occupational Health Manager, GSA. I have also cced Octavia to help facilitate that portion for you.

If there are any further questions, or concerns, feel free to contact me.

Respectfully,

GSA

U.S. General Services Administration

Carlos R. Brown Sr
Labor Relations Specialist
Washington Area Service Center
Office of Human Resources Management (OHRM)
301 7th Street SW
Washington, DC 20407
Office: (202) 969-5583

(b) (6)
E-mail: carlos.brown@gsa.gov

<https://insite.gsa.gov/topics/hr-pay-and-leave>

ABAAS Compliance and Access to ROB Loading Dock Email.pdf
95K



Richard Mace - WPMABF <richard.mace@gsa.gov>

ABAAS Compliance and Access to ROB Loading Dock

1 message

Rex Pace - PCAA <rex.pace@gsa.gov>

Tue, Mar 19, 2019 at 5:10 PM

To: Richard Mace - WPMABF <richard.mace@gsa.gov>

Hello Mr. Mace,

I appreciate the follow up conversation today, it was helpful.

In terms of the number of accessible entrances to GSA's NCR Office Building (ROB), the minimum required by the Architectural Barriers Act Accessibility Standards (ABAAS) has been provided. In fact the minimum has likely been exceeded. A building as old as ROB could have as few as one accessible entrance, but we certainly try to do better than that. ROB has three accessible (although the rear ramp is not presently used because of security concerns). Additionally, the entrance from the garage level has no steps. To put the situation in perspective, if this were a new building, at least 60% of the entrances are required to be accessible so inaccessible entrances are possible then too (however we do try to make all accessible when achievable).

I would consider the specific request from the person using a walker for access to the loading dock to be an issue that should be routed through the employee accommodations process and not as an ABAAS requirement. As we discussed, a parking location in the garage may make more sense if the entrance from it is suitable. Note that the hallway floor connecting the building and garage does have slopes that should be considered. Again, this would be best considered within an evaluation of an appropriate accommodation.

I hope that you find this information helpful and please let me know if you or anyone else concerned with this issue has questions or would like to discuss anything.

Thank you, Rex Pace

Rex J. Pace
National Accessibility Officer
Office of the Chief Architect
Public Buildings Service
U.S. General Services Administration
1800 F Street NW
Suite 5400
Washington, DC 20405
Desk: 202-969-4026



Octavia Johnson - CRSA <octavia.johnson@gsa.gov>

Response to your March 20, 2019 E-mail and Memorandum

1 message

Melbea Davis - BR4B <melbea.davis@gsa.gov>

To: Octavia Johnson Richardson - CPWA <octavia.johnson@gsa.gov>

Cc: Monica King - BR4R <monica.king@gsa.gov>

Thu, Mar 21, 2019 at 1:11 PM

In response to your March 20, 2019 e-mail - Confirmation of Reasonable Accommodation and March 20, 2019 Memorandum - Medical Information Request, I have several concerns:

Confirmation of Reasonable Accommodation email - 3/20/2019

- Disability is dated and it was developed to support your work needs at that time
- There is no recent medical document of record to support an old and/or existing accommodation
- For that reason, I explained the need for you to submit new medical documentation for any and all accommodation requests
- GSA has not been able to determine whether you are a current qualified individual with a disability under the Americans with Disabilities Act Amendments Act (ADAAA), in accordance with Section 501 of the Rehabilitation Act, due to the lack of supporting medical information.
- Despite your position, all of your accommodation requests (old and new) require approval by your supervisor
- To date, I have not been able to validate to your supervisor that you have established via supporting medical documentation a need for

Medical Information Request memo - 3/20/2019

- While I understand that you have a record of a disability the accommodation was designed to accommodate your disability needs at that time.
- As you know, your new assignment has different job requirements than your assignment in 2011.
- The new medical information is needed to understand the significance of your current disability limitations and how they impact your ability to perform your new job duties.

My major concerns are (1) GSA have failed to maintain records of my previously approved Reasonable Accommodation and are disavowing and not recognizing my status as an 'qualified individual with a Disability' (2) statements in your email and memorandum of 3/20/2019 are insistent with HR 2300.1 Policy and Procedures for Providing Reasonable Accommodation for Individuals with Disabilities (June 2018) (3) essential job functions have not been identified, and (4) you appear to have ignored my request of you to contact the FOH for the MRO review of my medical documents in support of my approved Reasonable Accommodation.

Specific HR 2300.1 policies:

-- "If an employee transfers to another position within GSA (for example, a reassignment, detail, or promotion), the employee should notify his/her new supervisor of any pending or approved accommodations if an accommodation is still needed in the new office and/or position. The new supervisor will confirm any pending or approved accommodations with the LRAC. The LRAC will coordinate the appropriate information to ensure the accommodation is maintained, if appropriate. If the new position has different essential functions, the accommodation may need to be re-evaluated."

-- "Local Reasonable Accommodation (LRAC) 'responsibilities'. During this process, an individual assessment will be conducted to review essential and collateral job functions, the employee's limitations, and possible accommodations; Track and report all requests for reasonable accommodation and the disposition of those requests. Report relevant data to the NRAC as required; Maintain a reasonable accommodation case file separate from the employee's official personnel folder, consult with agency's Medical Review Officer (MRO), if needed."

Issues: HR failed to maintain my RA records; essential functions have not been identified; supervisors are not required to approve all accommodations (old & new); by inference of my existing ergonomic chair, my RA approval has been substantiated; and budget analyst essential functions are not significantly or materially different.

I don't understand your comment that "If you only need to access the building to support using a cane and a rolator these are not considered barriers to access the building. What specifically restricts your access to the building? Under Target Disabilities or Serious Health Conditions, Code 40-Significant mobility impairment, benefiting from the utilization of a wheelchair, scooter, walker, leg braces(s) and/or other supports lists is provided for your information. My cane and rolator are not barriers to my access to ROB, but the lack of a handicap ramp at the loading dock where I have been assigned my Handicap placard, is the barrier from me entering the building at the loading dock. The other ROB entrances are too far for me to walk to use the handicap ramps at those locations.

I hope my response provides you the information you need.

Thank you,

Melbea Davis

GSA

Octavia Johnson - CRSA <octavia.johnson@gsa.gov>

Re: Question - Medical Authorization Form

1 message

Octavia Johnson - CPDC <octavia.johnson@gsa.gov>

To: Melbea Davis - BR4B <melbea.davis@gsa.gov>

Thu, May 23, 2019 at 1:18 PM

Cc: "Dana Matthews (CP)" <dana.matthews@gsa.gov>, Monica King - BR4R <monica.king@gsa.gov>

Melbea,

The disclosure form does not afford employees an opportunity to specify or limit the disclosure. The form does allow to specify the timeframe. Your signed consent allows the independent doctor to address with your treating physician only medical information relevant to the medical conditions and limitations causing the need for the requested accommodation. The disclosure form does not allow FOH to seek or ask about unrelated medical information. The scope of the FOH review must be limited to the medical conditions you stated as causing impediments to travel to the office.

On Thu, May 23, 2019 at 1:06 PM Melbea Davis - BR4B <melbea.davis@gsa.gov> wrote:
Good Afternoon Octavia,

I'm in the process of completing the Authorization for Disclosure of Information Form and I don't see the space to specify exactly what I'm approving for the MOR to discuss with my medical providers??

Please advise.

Thank you,

Melbea

GSA

U.S. General Services Administration*Octavia R. Johnson*

Reasonable Accommodation Coordinator

Washington Area Operating Center

Office of Human Resources Management (OHRM)

301 7th Street, SW, Room 1049

Washington, D.C. 20540

Office: (b) (6) mobile)

Fax: (202) 743-3377

E-mail: octavia.johnson@gsa.gov

Contact
OHRM



Octavia Johnson - CRSA <octavia.johnson@gsa.gov>

Re: Question - Medical Authorization Form

1 message

Octavia Johnson - CPDC <octavia.johnson@gsa.gov>

To: Melbea Davis - BR4B <melbea.davis@gsa.gov>

Thu, May 23, 2019 at 1:33 PM

Cc: "Dana Matthews (CP)" <dana.matthews@gsa.gov>, Monica King - BR4R <monica.king@gsa.gov>

By way of example, if you claim a foot condition restricts you from coming to the office. Therefore, you request telework as an accommodation FOH cannot ask your doctor about other medical conditions unless they are directly connected to the foot condition.

I hope this information clarifies your query.

Sent from my iPhone

On May 23, 2019, at 1:06 PM, Melbea Davis - BR4B <melbea.davis@gsa.gov> wrote:

Good Afternoon Octavia,

I'm in the process of completing the Authorization for Disclosure of Information Form and I don't see the space to specify exactly what I'm approving for the MOR to discuss with my medical providers??

Please advise.

Thank you,

Melbea



Octavia Johnson - CRSA <octavia.johnson@gsa.gov>

Re: Accommodations letter

1 message

Melbea Davis - BR4B <melbea.davis@gsa.gov>
To: Octavia Johnson - CPDC <octavia.johnson@gsa.gov>

Thu, May 9, 2019 at 12:34 PM

Octavia,

I am in disbelief that I'm required to sign a 'blank' medical authorization form without knowing what is being requested or sent on my medical status.

Will get back to you soon,

Melbea

On Thu, May 9, 2019 at 10:45 AM Octavia Johnson - CPDC <octavia.johnson@gsa.gov> wrote:
Melbea,

I appreciate your cooperation with this medical inquiry. I need your signed disclosure form before any efforts are made to compile the agency's package for the FOH review. As the employee you are not privy to the agency's communication in which it pays for contract services to obtain the FOH review. To be clear, after receipt of your disclosure forms I will proceed to compile your information to forward to FOH requesting a review, without your prior or subsequent review. Notwithstanding the FOH disclosure requirement, the medical inquiry is not otherwise subject to your approval. In fact, both the ADA and the GSA's Reasonable Accommodation Policy, HRM 2300.1, requires the employee to cooperate with the interactive process, to include the agency's request for medical information and determination for an independent medical provider. The agency controls the reasonable accommodation process and the ADA allows the agency to conduct a medical inquiry, as necessary, to determine its obligations to accommodate, the need for an accommodation, and the most effective accommodations to grant, if any.

Please provide the signed FOH disclosure forms no later than COB, May 10th (2 weeks after the initial request).

On Fri, May 3, 2019 at 11:36 AM Melbea Davis - BR4B <melbea.davis@gsa.gov> wrote:
Good Morning Octavia,

I plan on signing authorization for FOH to speak to my medical provider, but I will need to see the package that will be sent to FOH before I sign approval.

Thank you,

Melbea

----- Forwarded message -----

From: Octavia Johnson - CPDC <octavia.johnson@gsa.gov>
Date: Wed, May 1, 2019 at 3:55 PM
Subject: Re: Accommodations letter
To: Melbea Davis - BR4B <melbea.davis@gsa.gov>
Cc: Monica King - BR4R <monica.king@gsa.gov>

Melbea,

I can appreciate you seeking additional information from your provider. I communicated to you on April 26, 2019, however, that as the Reasonable Accommodation Coordinator, I made a determination that it was in the best interest of the agency to proceed with a medical inquiry with a complete assessment from an independent medical provider, specifically the U.S. Department of Health & Human Services (HHS), Federal Occupational Health (FOH). I specifically communicated my interest to avoid further delay of your request and this process by proceeding with this approach. While the agency is interested in your provider's input we have determined to use our discretion to seek an independent medical assessment that will include your provider's input. **To be clear, an additional letter from your doctor at this point will not overcome the concerns and determination that I and your supervisor have made. Therefore, another letter from your provider without the involvement of FOH will not be sufficient to support your request.** Your supervisor will soon communicate next steps.

On April 29, 2019, I communicated to you - Please help safeguard your medical information and the reasonable accommodation process by limiting the individuals and management officials whom you share your medical information and involve in the reasonable accommodation process to your supervisor, as the deciding official, or, the Reasonable Accommodation Coordinator. Management officials above me and/or other individuals are not in a position to address and make decisions on your reasonable accommodation request. For the same reason, I will not include others in this process and/or in communication regarding your request. You may certainly seek guidance and counsel from NFFE about your request. However, it is not proper for NFFE, HR Labor Relations, or others to be a part of this process. I will continue to reiterate that the reasonable accommodation process is confidential and it is not a traditional personnel matter. Likewise, if you wish to share your confidential medical information with a NFFE representative you may, however, I will not share and/or discuss your medical information or the need for a medical inquiry with NFFE or others. Only your supervisor is privy to the processing of your reasonable accommodation request and therefore, as the Reasonable Accommodation Coordinator I am committed to maintain the confidentiality of this process.

On Wed, May 1, 2019 at 11:04 AM Melbea Davis - BR4B <melbea.davis@gsa.gov> wrote:
Good Morning Octavia,

I have forwarded your responses to my medical provider for clarification of his previous letter on my behalf.

Please acknowledge receipt of this email.

Thank you,

Melbea

On Tue, Apr 30, 2019 at 4:01 PM Octavia Johnson - CPDC <octavia.johnson@gsa.gov> wrote:
Melbea,

At the time of our meeting you had not presented any medical documentation in support of your request. After reviewing submitted medical documentation the medical inquiry may lead to additional inquiry which is a normal course in this process. I can appreciate that you believe your doctor addressed the medical inquiry. Your doctor did not address most of the 12 questions raised (#1, #6 - #12) and additional information is needed to clarify and elaborate on the information he did provide (#2 - #5 and #12). Please refer to my earlier responses that fully explain the reason for the agency's request. Please let me know asap your decision to submit the disclosure

form(s). I have shared my assessment with your supervisor whom was otherwise committed today. Your supervisor plans to address your request by tomorrow.

On Tue, Apr 30, 2019 at 2:57 PM Melbea Davis - BR4B <melbea.davis@gsa.gov> wrote:
Good Afternoon Octavia,

This is exactly what I was attempting to avoid when I requested to meet, but it appears those efforts were in vain.

Please can you be more specific to exactly what my doctor didn't provide for each question you posed. After reading Dr. Nou's letter, it appeared to me that most of his answers were appropriate in addressing your questions. I really need you to expound with more specifics.

Thank you,

Melbea

On Tue, Apr 30, 2019 at 1:03 PM Octavia Johnson - CPDC <octavia.johnson@gsa.gov> wrote:
Melbea,

Please understand that employees do not request or make determinations on when the agency needs or should seek an independent medical review. Such determination is made by me, the Reasonable Accommodation Coordinator. In the interest of time, please review the request for medical information against your doctor's letter. While your doctor did provide helpful information, he did not address most of the 12 questions raised. The questions answered were not fully explained. Further, given the change in your request for reasonable accommodations and insufficient medical information, I determined it is best to seek an independent medical provider via FOH. The FOH review will serve to fully address the medical inquiry which will also clarify the information provided; and assess for the most effective accommodations. The FOH review will lend itself to additional information not provided in your medical letter. Additionally, the FOH review will include consultation with your doctor, to the extent he makes himself available, for a complete medical review. Please understand that an employee is not entitled to the accommodation requested. At all times the agency may explore all possible accommodations to ultimately determine the most effective accommodation that will remove the barriers to employment and afford the employee the ability to perform all her job duties.

On Tue, Apr 30, 2019 at 6:39 AM Melbea Davis - BR4B <melbea.davis@gsa.gov> wrote:

Good Morning Octavia,

Please see the e-mail below. I wrote the e-mail and did not sent.

Good Afternoon Octavia,

What type of additional information that was not addressed by my provider from the initial inquiry are you looking for or referring to and what about Dr. Nou's letter need clarity on the information provided? Why does the FOH need to explore additional accommodations, in addition to the full time Telework?? I don't understand. I don't remember requesting the FOH to review my Request for RA prior to LRAC/supervisor's decision?

Thanks for your response,

Melbea

On Fri, Apr 26, 2019 at 12:57 PM Octavia Johnson - CPDC <octavia.johnson@gsa.gov> wrote:

The FOH review will seek additional information that was not addressed by your provider from the initial inquiry; clarity on the information provided; and the exploration of additional accommodations. Yes, I will forward your file to FOH after receipt of your signed disclosure form. As you know, the disclosure form(s) is needed to allow FOH to conduct the review. If you elect not to sign the form by April 30th, I will not send your file to FOH. Instead I will move forward to assist your supervisor to finalize her decision on your request.

On Fri, Apr 26, 2019 at 12:43 PM Melbea Davis - BR4B <melbea.davis@gsa.gov> wrote:

Good Afternoon Octavis,

Need to know why and the purpose of the Authorization Form for Dr. Nou?

And are you planning on sending my file to FOH for review?

Thank you,

Melbea

On Fri, Apr 26, 2019 at 12:32 PM Octavia Johnson - CPDC <octavia.johnson@gsa.gov> wrote:
Melbea,

After review of your medical letter I've determined a need for additional information. Please see the attached request. Please be mindful of the April 30th turnaround deadline. I attached an additional form for your signature in the event you wish for the review to include the input of another doctor.

On Sat, Apr 13, 2019 at 8:51 PM Octavia Johnson - CPDC <octavia.johnson@gsa.gov> wrote:
Melbea,

I wanted to confirm receipt as I am out of the office until Wednesday.

On Wed, Apr 10, 2019 at 6:15 PM Melbea Davis - BR4B <melbea.davis@gsa.gov> wrote:
Good Afternoon Octavia,

Just received this letter from my medical provider.

Thank you for meeting with me on Monday. Hope the letter is suffice for my request.

Regards,



U.S. General Services Administration

Octavia R. Johnson

Reasonable Accommodation Coordinator

Washington Area Operating Center

Office of Human Resources Management (OHRM)

301 7th Street, SW, Room 1049

Washington, D.C. 20407

Office: (b) (6) mobile)

Fax: (202) 708-5377

E-mail: octavia.johnson@gsa.gov





Octavia Johnson - CPDC <octavia.johnson@gsa.gov>

Re: Accommodations letter

1 message

Octavia Johnson - CPDC <octavia.johnson@gsa.gov>
To: Melbea Davis - BR4B <melbea.davis@gsa.gov>
Cc: Monica King - BR4R <monica.king@gsa.gov>

Fri, May 10, 2019 at 12:02 PM

Melbea,

Recently you mentioned that you asked your doctor to provide an additional letter. Although I did not request an additional letter from your doctor please urge your doctor to send you his update as soon as possible to avoid further delay in processing your request. In the meantime, the FOH request is still pending.

On Fri, May 10, 2019 at 10:44 AM Octavia Johnson - CPDC <octavia.johnson@gsa.gov> wrote:
Melbea,

Please be reminded that you are not required to sign the FOH disclosure form. Your consent is voluntary. However, I have repeatedly explained to you the nature and reasons for the agency's decision to seek an independent medical review via FOH as a part of the medical inquiry; and your cooperation of such is needed. Without your cooperation, I will recommend for the deciding official to make a decision with the available information.

On Thu, May 9, 2019 at 12:34 PM Melbea Davis - BR4B <melbea.davis@gsa.gov> wrote:
Octavia,

I am in disbelief that I'm required to sign a 'blank' medical authorization form without knowing what is being requested or sent on my medical status.

Will get back to you soon,

Melbea

On Thu, May 9, 2019 at 10:45 AM Octavia Johnson - CPDC <octavia.johnson@gsa.gov> wrote:
Melbea,

I appreciate your cooperation with this medical inquiry. I need your signed disclosure form before any efforts are made to compile the agency's package for the FOH review. As the employee you are not privy to the agency's communication in which it pays for contract services to obtain the FOH review. To be clear, after receipt of your disclosure forms I will proceed to compile your information to forward to FOH requesting a review, without your prior or subsequent review. Notwithstanding the FOH disclosure requirement, the medical inquiry is not otherwise subject to your approval. In fact, both the ADA and the GSA's Reasonable Accommodation Policy, HRM 2300.1, requires the employee to cooperate with the interactive process, to include the agency's request for medical information and determination for an independent medical provider. The agency controls the reasonable accommodation process and the ADA allows the agency to conduct a medical inquiry, as necessary, to determine its obligations to accommodate, the need for an accommodation, and the most effective accommodations to grant, if any.

Please provide the signed FOH disclosure forms no later than COB, May 10th (2 weeks after the initial request).

On Fri, May 3, 2019 at 11:36 AM Melbea Davis - BR4B <melbea.davis@gsa.gov> wrote:
Good Morning Octavia,

I plan on signing authorization for FOH to speak to my medical provider, but I will need to see the package that will be sent to FOH before I sign approval.

Thank you,

Melbea

----- Forwarded message -----

From: Octavia Johnson - CPDC <octavia.johnson@gsa.gov>

Date: Wed, May 1, 2019 at 3:55 PM

Subject: Re: Accommodations letter

To: Melbea Davis - BR4B <melbea.davis@gsa.gov>

Cc: Monica King - BR4R <monica.king@gsa.gov>

Melbea,

I can appreciate you seeking additional information from your provider. I communicated to you on April 26, 2019, however, that as the Reasonable Accommodation Coordinator, I made a determination that it was in the best interest of the agency to proceed with a medical inquiry with a complete assessment from an independent medical provider, specifically the U.S. Department of Health & Human Services (HHS), Federal Occupational Health (FOH). I specifically communicated my interest to avoid further delay of your request and this process by proceeding with this approach. While the agency is interested in your provider's input we have determined to use our discretion to seek an independent medical assessment that will include your provider's input. **To be clear, an additional letter from your doctor at this point will not overcome the concerns and determination that I and your supervisor have made. Therefore, another letter from your provider without the involvement of FOH will not be sufficient to support your request.** Your supervisor will soon communicate next steps.

On April 29, 2019, I communicated to you - Please help safeguard your medical information and the reasonable accommodation process by limiting the individuals and management officials whom you share your medical information and involve in the reasonable accommodation process to your supervisor, as the deciding official, or, the Reasonable Accommodation Coordinator. Management officials above me and/or other individuals are not in a position to address and make decisions on your reasonable accommodation request. For the same reason, I will not include others in this process and/or in communication regarding your request. You may certainly seek guidance and counsel from NFFE about your request. However, it is not proper for NFFE, HR Labor Relations, or others to be a part of this process. I will continue to reiterate that the reasonable accommodation process is confidential and it is not a traditional personnel matter. Likewise, if you wish to share your confidential medical information with a NFFE representative you may, however, I will not share and/or discuss your medical information or the need for a medical inquiry with NFFE or others. Only your supervisor is privy to the processing of your reasonable accommodation request and therefore, as the Reasonable Accommodation Coordinator I am committed to maintain the confidentiality of this process.

On Wed, May 1, 2019 at 11:04 AM Melbea Davis - BR4B <melbea.davis@gsa.gov> wrote:
Good Morning Octavia,

I have forwarded your responses to my medical provider for clarification of his previous letter on my behalf.

Please acknowledge receipt of this email.

Thank you,

Melbea

On Tue, Apr 30, 2019 at 4:01 PM Octavia Johnson - CPDC <octavia.johnson@gsa.gov> wrote:
Melbea,

At the time of our meeting you had not presented any medical documentation in support of your request. After reviewing submitted medical documentation the medical inquiry may lead to additional inquiry which is a normal course in this process. I can appreciate that you believe your doctor addressed the medical inquiry. Your doctor did not address most of the 12 questions raised (#1, #6 - #12) and additional information is needed to clarify and elaborate on the information he did provide (#2 - #5 and #12). Please refer to my earlier responses that fully explain the reason for the agency's request. Please let me know

5/14/2019

GSA.gov Mail - Re: Accommodations letter

asap your decision to submit the disclosure form(s). I have shared my assessment with your supervisor whom was otherwise committed today. Your supervisor plans to address your request by tomorrow.

On Tue, Apr 30, 2019 at 2:57 PM Melbea Davis - BR4B <melbea.davis@gsa.gov> wrote:
Good Afternoon Octavia,

This is exactly what I was attempting to avoid when I requested to meet, but it appears those efforts were in vain.

Please can you be more specific to exactly what my doctor didn't provide for each question you posed. After reading Dr. Nou's letter, it appeared to me that most of his answers were appropriate in addressing your questions. I really need you to expound with more specifics.

Thank you,

Melbea

On Tue, Apr 30, 2019 at 1:03 PM Octavia Johnson - CPDC <octavia.johnson@gsa.gov> wrote:
Melbea,

Please understand that employees do not request or make determinations on when the agency needs or should seek an independent medical review. Such determination is made by me, the Reasonable Accommodation Coordinator. In the interest of time, please review the request for medical information against your doctor's letter. While your doctor did provide helpful information, he did not address most of the 12 questions raised. The questions answered were not fully explained. Further, given the change in your request for reasonable accommodations and insufficient medical information, I determined it is best to seek an independent medical provider via FOH. The FOH review will serve to fully address the medical inquiry which will also clarify the information provided; and assess for the most effective accommodations. The FOH review will lend itself to additional information not provided in your medical letter. Additionally, the FOH review will include consultation with your doctor, to the extent he makes himself available, for a complete medical review. Please understand that an employee is not entitled to the accommodation requested. At all times the agency may explore all possible accommodations to ultimately determine the most effective accommodation that will remove the barriers to employment and afford the employee the ability to perform all her job duties.

On Tue, Apr 30, 2019 at 6:39 AM Melbea Davis - BR4B <melbea.davis@gsa.gov> wrote:

Good Morning Octavia,

Please see the e-mail below. I wrote the e-mail and did not sent.

Good Afternoon Octavia,

What type of additional information that was not addressed by my provider from the initial inquiry are you looking for or referring to and what about Dr. Nou's letter need clarity on the information provided? Why does the FOH need to explore additional accommodations, in addition to the full time Telework?? I don't understand. I don't remember requesting the FOH to review my Request for RA prior to LRAC/supervisor's decision?

Thanks for your response,

Melbea

On Fri, Apr 26, 2019 at 12:57 PM Octavia Johnson - CPDC <octavia.johnson@gsa.gov> wrote:
The FOH review will seek additional information that was not addressed by your provider from the initial inquiry; clarity on the information provided; and the exploration of additional accommodations. Yes, I will forward your file to FOH after receipt of your signed disclosure form. As you know, the disclosure form(s) is needed to allow FOH to conduct the review. If you elect not to sign the form by April 30th, I will not send your file to FOH. Instead I will move forward to assist your supervisor to finalize her decision on your request.

On Fri, Apr 26, 2019 at 12:43 PM Melbea Davis - BR4B <melbea.davis@gsa.gov> wrote:
Good Afternoon Octavis,

Need to know why and the purpose of the Authorization Form for Dr. Nou?

And are you planning on sending my file to FOH for review?

Thank you,

Melbea

On Fri, Apr 26, 2019 at 12:32 PM Octavia Johnson - CPDC <octavia.johnson@gsa.gov> wrote:
Melbea,

After review of your medical letter I've determined a need for additional information. Please see the attached request. Please be mindful of the April 30th turnaround deadline. I attached an additional form for your signature in the event you wish for the review to include the input of another doctor.

On Sat, Apr 13, 2019 at 8:51 PM Octavia Johnson - CPDC <octavia.johnson@gsa.gov> wrote:
Melbea,

I wanted to confirm receipt as I am out of the office until Wednesday.

On Wed, Apr 10, 2019 at 6:15 PM Melbea Davis - BR4B <melbea.davis@gsa.gov> wrote:
Good Afternoon Octavia,

Just received this letter from my medical provider.

Thank you for meeting with me on Monday. Hope the letter is suffice for my request.

Regards,



U.S. General Services Administration

Octavia R. Johnson

Reasonable Accommodation Coordinator

Washington Area Operating Center

Office of Human Resources Management (OHRM)

301 7th Street, SW, Room 1049



Sara Ryan <sara.ryan-weissfeld@gsa.gov>

Fwd: FOH review

1 message

Georgia Davis Leggett <georgia.davis-leggett@gsa.gov>

Wed, Jul 27, 2011 at 1:36 PM

To: sara.ryan-weissfeld@gsa.gov, Octavia Johnson Richardson <octavia.richardson@gsa.gov>

Here is the info from this morning.

Thanks

Georgia

Georgia Davis-Leggett

CFO - NCR PBS

301 7th Street SW Room 7072

Washington, DC 20407

202-260-2901 (Office)

(b) (6)

202-692-3450 (eFax)

----- Forwarded message -----

From: Calvin Dawes <calvin.dawes@gsa.gov>

Date: Tue, Jul 26, 2011 at 2:31 PM

Subject: Fwd: FOH review

To: Georgia Davis-Leggett <georgia.davis-leggett@gsa.gov>

----- Forwarded message -----

From: Joann Robinson <joann.robinson@gsa.gov>

Date: Mon, Jul 18, 2011 at 4:33 PM

Subject: FOH review

To: Robyn Plater <robyn.plater@gsa.gov>, Calvin Dawes <calvin.dawes@gsa.gov>

FOH requested clarification of medical from Melbea's treating physician. I will follow up this week with the FOH doctor.

--
Thanks,

Calvin Dawes

NAME/TITLE	CORRESPONDENCE SYMBOL	RECEIVED BY	DATE
Renee Jones-Felder Joann Robinson	Human Resources Labor Relations	Toni Slappy	11 July 11

ATTN: FREEDOM OF INFORMATION ACT (FOIA) COORDINATOR

FOIA Request Number:

NCR-11- 199407

Due Date:

MONTH	DAY	YEAR
July	29	2011

Attached is a FOIA request for your response. The following are guidelines to assist you in preparing your reply:

1. Review the incoming request. Is what the requester asking for clear? If not, you should call or write the requester to seek clarification.
2. Determine whether any or all of the documents being requested are sensitive information that should be withheld. Apply the nine FOIA exemptions as your guide (found on Insite, Employee / HR, "Freedom of Information Act, scroll down for FOIA Exemptions and Sample Letters" - these are the nine FOIA exemptions).
3. Inform the PBS FOIA Coordinator whether you will need a 10-working day extension. An interim letter will be sent out.
4. Determine what fee shall be charged and follow the appropriate procedures, which can be found on Insite, Employee / HR, Freedom of Information Act, scroll down for Sample Letters and Fees / Fee Waivers.
5. Prepare all responses for the following signature:

**Cathleen Kronopolus
Regional Commissioner
Public Buildings Service**

**FROM: Toni L. Slappy/toni.slappy@gsa.gov
Internal Resources
(202) 619-6200
Room 6651**

199407



Melbea Davis
<melbea.davis@gsa.gov>
07/08/2011 07:43 PM

To gsa.foia@gsa.gov
cc "Robert O'Brycki" <robert.o'brycki@gsa.gov>
bcc
Subject Re: FOIA

Under the Freedom of Information Act, 5 U.S.C., Subsection 552, I am requesting copies of all correspondence (i.e., e-mails, letter, memos, notes, record of telephone conversations, etc) between Joann M. Robinson and Renee Jones-Felder, NCR Human Resources and the Federal Occupational and Health (FOH) in reference to myself (Melbea N. Davis) for years 2009, 2010, and 2011.
Thank you,

Melbea N. Davis

GSA

3014801120

06/09/2011 02:10 PM

Please respond to
111111111@FAX

To Joann T. Robinson/WCPR/RW/GSA/GOV

cc


bcc

Subject Fax Received: 111111111 [3138] 4 page(s)

History:

✉ This message has been forwarded.

A 4 page(s) fax has been received from 111111111.

For more information follow this document link to the inbound log entry. -> 

Need clarification

3 messages

Joann Robinson <joann.robinson@gsa.gov>
To: Medical.Employability@foh.hhs.gov

Fri, Jun 24, 2011 at 9:07 PM

Please contact me regarding the medical review of the following case:
Agreement # A106160 S106161 W109392=20
Employee: Davis, Melbea N. SSN: 0055 =20
Employer: GSA, NCR=20

I am in receipt of your medical review dated June 8, 2011. The employee's union representative is challenging the findings. You stated that it is in your Conclusion: "It is my opinion that that the letter from the employee's chiropractor, Dr. James Holding is sufficiently vague that it does not support the employee's requested accommodations. Therefore, I am asking you contacted the employee's treating physician for clarity and/or did you receive recommendations as to how the Agency may accommodate the employee? Please contact me on 202-708-5314. Thanks

Medical Employability <Medical.Employability@foh.hhs.gov>
To: Joann Robinson <joann.robinson@gsa.gov>

Mon, Jun 27, 2011 at 2:47 PM

No, the doctor was not contacted as there was no release from the employee to do so.

Medical Employability Program

Federal Occupational Health

4550 Montgomery Avenue, Suite 950

Bethesda, Maryland 20814

Voice: 301-594-4209 Fax: 301-594-3321

Email: Medical.Employability@foh.hhs.gov

Web: www.foh.hhs.gov

From: Joann Robinson [mailto:joann.robinson@gsa.gov]
Sent: Friday, June 24, 2011 9:08 PM
To: Medical Employability
Subject: Need clarification

[Quoted text hidden]

Joann Robinson <joann.robinson@gsa.gov>

Sat, Jul 9, 2011 at 8:52 PM

meantime, I am sure you may have a better chance and having Ms. Davis sign the form that I did.

(See attached file: Melbea - FOH medical review transmittal.TIF)

Joann T. Robinson
Chief, Employee and Labor Relations Branch
Human Resources Services, National Capital Division (CPN)
Office of the Chief Human Capital Officer
301 7th Street, SW, Room 1021
Washington, DC 20407
Ph: (202) 708-5314 Cell: (b) (6)
Fax: (202) 692-3138, Blackberry PIN (b) (6)

CONFIDENTIALITY NOTICE

This email message and any attachments to this email may contain confidential information. The information is intended for the use of the individual or entity to whom it is addressed. Please do not forward this message without permission. If you are the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying distribution or taking of any action in reliance on the contents of this transmission is strictly prohibited. If you have received this transmission in error, please notify me immediately by telephone or return email and destroy the original email message, any attachments thereto and all copies thereof.



Melbea - FOH medical review transmittal.TIF
998K

Medical Employability <Medical.Employability@foh.hhs.gov>
To: joann.robinson@gsa.gov

Mon, May 16, 2011 at 12:51 PM

=20

From: joann.robinson@gsa.gov [mailto:joann.robinson@gsa.gov]=20
Sent: Friday, May 13, 2011 9:25 PM
To: Medical Employability
Subject: Fw: Melbea Davis RA medical review
Importance: High

=20

Please acknowledge receipt of this email. =20

Joann T. Robinson
Chief, Employee and Labor Relations Branch
Human Resources Services, National Capital Division (CPN)
Office of the Chief Human Capital Officer
301 7th Street, SW, Room 1021
Washington, DC 20407
Ph: (202) 708-5314
Fax: (202) 692-3138 (b) (6)

GSA is requesting a medical review in connection with a request for reasonable accommodation on behalf of our employee, Ms. Melbea Davis, Budget Analyst, GS-13. Ms. Davis is requesting not to be reassigned or moved to a work site that is not equipped with a health unit or medical personnel. Attached is the transmittal and history/background of the case. Ms. Davis completed form FOH-6 ME 052410 and returned it by email but refused to sign the without her union representative reviewing the form first. I did not want to delay the transmittal because the move is scheduled for May 23. Please review the package and let me know who will be reviewing the information. Ms. Davis is requesting the name of the doctor. If you need verification of the email, I will forward it to you upon request. In the



Joann Robinson <joann.robinson@gsa.gov>

Melbea Davis RA medical review

4 messages

joann.robinson@gsa.gov <joann.robinson@gsa.gov>
To: medical.employability@foh.hhs.gov
Cc: joann.robinson@gsa.gov

Fri, May 13, 2011 at 9:21 PM

GSA is requesting a medical review in connection with a request for reasonable accommodation on behalf of our employee, Ms. Melbea Davis, Budget Analyst, GS-13. Ms. Davis is requesting not to be reassigned or moved to a work site that is not equipped with a health unit or medical personnel. Attached is the transmittal and history/background of the case. Ms. Davis completed form FOH-6 ME 052410 and returned it by email but refused to sign the without her union representative reviewing the form first. I did not want to delay the transmittal because the move is scheduled for May 23. Please review the package and let me know who will be reviewing the information. Ms. Davis is requesting the name of the doctor. If you need verification of the email, I will forward it to you upon request. In the meantime, I am sure you may have a better chance and having Ms. Davis sign the form that I did.

Joann T. Robinson
Chief, Employee and Labor Relations Branch
Human Resources Services, National Capital Division (CPN)
Office of the Chief Human Capital Officer
301 7th Street, SW, Room 1021
Washington, DC 20407
Ph: (202) 708-5314
Fax: (202) 692-3138 (b) (6)

CONFIDENTIALITY NOTICE

This email message and any attachments to this email may contain confidential information. The information is intended for the use of the individual or entity to whom it is addressed. Please do not forward this message without permission. If you are the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying distribution or taking of any action in reliance on the contents of this transmission is strictly prohibited. If you have received this transmission in error, please notify me immediately by telephone or return email and destroy the original email message, any attachments thereto and all copies thereof.

(See attached file: Melbea - FOH medical review transmittal.TIF)

To: Medical.Employability@foh.hhs.gov

The employee stated that she provided an electronic signature.
[Quoted text hidden]



GSA National Capital Region

April 4, 2011

MEMORANDUM FOR: MELBEA DAVIS
BUDGET ANALYST, GS-560-13
PUBLIC BUILDINGS SERVICE

(b) (6)

FROM: JOANN T. ROBINSON, CHIEF
EMPLOYEE AND LABOR RELATIONS BRANCH
HUMAN RESOURCES SERVICES (CPN)
NATIONAL CAPITAL DIVISION

SUBJECT: Response to Request for Reasonable Accommodation

This is in response to your request dated March 10, 2011, requesting not to be reassigned to Special Services Center in Landover, Maryland as a form of reasonable accommodation due to your current medical condition.

On January 10, 2011, Robert O'Brycki, NFFE Vice President, was notified of Management's proposal to reassign you effective January 30, 2011, to a Budget Analyst, GS-560-13 position within the Special Services Division located in Landover, Maryland. On January 14, 2011, Mr. O'Brycki requested to negotiate and informed me that you had medical reasons for not moving to Landover, Maryland. At that time, I requested medical documentation and Mr. O'Brycki agreed to ask you to provide the required medical documentation to support not moving you from the Regional Office Building (ROB) to Landover, Maryland.

On February 11, 2011, I received a copy of a letter from Dr. James Holding dated February 7, 2011, stating that you were first seen in his office on April 10, 2008, for evaluation and management of low back pain, neck pain, and left ankle pain and swelling. He mentioned that prolonged walking and standing is difficult due to your left ankle problem and low back condition; and that you should avoid prolonged sitting as well as bending and lifting. Dr. Holding states that your condition is not curable but it is controllable with some lifestyle changes.

Your March 10, 2011, request for reasonable accommodation (attached) states that symptoms from your medical conditions are magnified by walking distances on hard surfaces (i.e. concrete sidewalks, hard tiled surfaces and any other hard surfaces, etc). You stated: "The subluxation is also aggravated by sitting in upright positions, leaning over desks and pressure on thighs after sitting for length of times over 15 minutes." You also added that there is no Health Unit at the Landover location which is needed to monitor your health condition.

On March 9, 2011, I informed Mr. O'Brycki that Management was willing to offer you a handicap parking permit to eliminate the prolonged walking from the Landover metro to the Landover office. Also, there is no additional working required once you arrive to your assigned working space. I also note that the recommendations made by Dr. James Holding for an ergonomic environment such as an orthopedic chair was provided to you under a separate reasonable accommodation almost a year ago. Therefore, your new space will have the same type of ergonomic working environment.

Based on the above, I find that your medical documentation lacks specificity as to how your medical condition will affect you in performing the essential duties of your position as a Budget Analyst in the Landover building as opposed to performing the same duties in ROB. There is no medical basis for any conclusion which indicates the likelihood that you may or may not experience sudden or subtle incapacitation by carrying out the tasks or duties of your position as a Budget Analyst with or without accommodation. Your concern regarding changing your working conditions as it relates to the GM&A realignment is being addressed with your Union representative.

Based on the above, I am denying your request not to be reassigned to the Special Services Division in Landover, Maryland as a form of reasonable accommodation for the following reasons:

First, although the medical evidence you provided dated February 7, 2011, does indicate that your subluxation of the spine is not curable or permanent, the evidence does not describe how your medical condition will become magnified if you are reassigned and moved to the Landover office. Your proposed commute from home to the Landover office will be approximately 8.5 miles as opposed to approximately 20+ mile commute to ROB.

Second, your request alleges that you need to have a Health Unit available to monitor your health condition. Your medical documentation does not indicate that you are required to be near a health facility. It does state that Dr. Holding has been evaluating

and managing your low back pain, neck pain, and left ankle pain and swelling but no further treatment is mentioned.

Finally, the essential duties of your Budget Analyst position include performing administrative, analytical, and advisory staff work which involves the formulation, justification, presentation, execution and review of the PBS accounts. The Agency relies upon you to perform the essential duties of your Budget Analyst position to include getting to and from meeting places away from the work site.

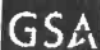
The Employee Assistance Program is a possible resource for help in resolving any physical, emotional, or financial problems, which may be adversely affecting you. The counseling services are confidential and the telephone number to call is 1-800-222-0364.

If you have questions, please contact me on 202-708-5314.

Attachments

GS Form 3676

February 7, 2011 letter



GSA National Capital Region

April 13, 2011

Federal Occupational Health (FOH)
4550 Montgomery Avenue, Suite 950
Bethesda, Maryland 20814

Subject: Request for Medical Review

We are requesting a medical review in connection with a request for reasonable accommodation on behalf of our employee, Ms. Melbea Davis, Budget Analyst, GS-13. Ms. Davis is currently assigned to the Financial Management Division in the Regional Office Building located at 301 7th Street, SW, Washington, DC 20410. On January 10, 2011, the Union was notified that effective January 30, 2011, Melbea Davis would be reassigned from a Budget Analyst, GS-560-13 position located in the Financial Management Division to a Budget Analyst, GS-560-13 position located within the Special Services Division in Landover, Maryland.

Background:

On January 14, 2011, the Union informed me that Ms. Davis had medical reasons for not moving to Landover, MD. At that time, I requested that Ms. Davis provide medical documentation in support of not moving from the Regional Office Building (ROB) located at 301 7th Street, SW, Washington, DC to the building located in Landover, Maryland. On February 11, 2011, I received a copy of a letter from Dr. James Holding dated February 7, 2011. See Exhibit 1. On March 10, 2011, Melbea Davis submitted a request for reasonable accommodation (RA). See Exhibit 2. On April 4, 2011, Ms. Davis' request for reasonable accommodation was denied because the medical documentation lacked specificity as to how her medical condition would affect her performing the essential duties of her position. See Exhibit 3. On April 7, 2011, Ms. Davis was informed that she would be reassigned and moved to Special Services Division effective April 24, 2011. On April 20, 2011, Ms. Davis requested permission to submit additional medical documentation by May 5, 2011. On May 5, 2011, I received a copy of a letter signed by Trisha Dames, PA-C. See Exhibit 4. The FOH Authorization of Disclosure of Information was sent to Ms. Davis on May 10, 2011 and returned by Ms. Davis unsigned on May 13, 2011. See Exhibit 4

A copy of Ms. Davis' position description is attached. (Exhibit 5) In order to properly assess the medical request and make an informed decision, we are requesting a medical review regarding her current condition and expected prognosis. Specifically, the medical information provided does not provide a clear indication of the specific limitations and how we may accommodate Ms. Davis in her proposed new position.

For the purpose of this medical review, we request that you review the enclosed medical information and position description for possible accommodations. Please contact the treating physician directly and ascertain whether Ms. Davis can physically work at a different facility and/or a different location without a health unit. If not, what other considerations should be made by the employer. If the diagnosis indicates she is able to work in Landover, Maryland, what accommodations, if any, will be necessary by the employer. If Ms. Davis is currently unable to work in Landover, Maryland, what is the prognosis and timeframe that the employer may expect Ms. Davis to move to her proposed position and new location.

Should you have any questions, please contact me at (202) 708-5314 or via email at joann.robinson@gsa.gov. Please provide a written report no later than May 26, 2011.

Sincerely,

(b) (6)

Joann T. Robinson
Chief, Employee and Labor Relation Branch
Human Resources Division
General Services Administration

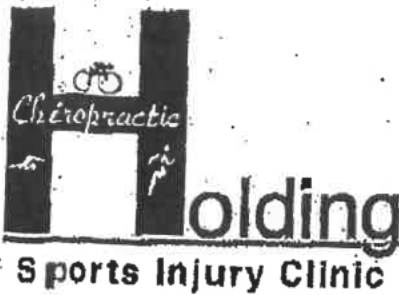
Enclosures

- Exhibit 1 - Dr. James Holding letter dated February 7, 2011
- Exhibit 2 - GSA Form 3676 dated March 10, 2011
- Exhibit 3 - Denial of RA dated April 4, 2011
- Exhibit 4 - Trisha Dames, PA-C letter dated May 5, 2011
- Exhibit 5 - Position Description

cc: Dawne M. Carroll, MD

Exhibit 1

Dr. James Holding letter dated February 7, 2011



4345 Northview Drive • Bowie, MD 20716

301-464-5656 • Fax 301-262-4826

February 7, 2011

RE: Melbae Davis
Date of Birth: 09/19/1947
1004 Merganser Court
Upper Marlboro, MD 20774

To Whom It May Concern,

The above captioned patient first entered our office on April 10, 2008 for evaluation and management of low back pain, neck pain, and left ankle pain and swelling.

I had previously advised the patient to avoid all prolonged postures and activities but neglected to specifically mention walking. In fact, prolonged walking and standing is quite difficult for this patient due to her left ankle problem as well as her low back condition. In my previous letters I had recommended Ms. Davis avoid prolonged sitting as well as bending and lifting.

Once again, I feel these are reasonable accommodations that this patient must make in order to keep her functional in the workplace and to enable Ms. Davis to continue working.

While her condition is not curable, it is controllable with some lifestyle changes. The severity and persistence of her symptoms can be minimized with your cooperation.

Thank you for your concern for this patient's health and long term well being.

(b) (6)

James L. Holding D.C., C.C.S.P.

James L. Holding, D.C., C.C.S.P.
Board Certified Chiropractic Sports Physician

The official Chiropractor for the Washington Capitals

Exhibit 2

GSA Form 3676 dated March 10, 2011

CONFIRMATION OF REASONABLE ACCOMMODATION

INFORMATION ON REQUESTOR

NAME	OCCUPATIONAL SERIES, GRADE LEVEL	OFFICE (Include correspondence symbol)
Melbea N Davis	GS-350 13	NCR PBS Financial Management Division (detail)
TELEPHONE NUMBER	FAX NUMBER	EMAIL ADDRESS
202-401-5276		Melbea.Davis@gsa.gov

REQUEST

DATE	NEED (Check one)		
03/10/2011	<input checked="" type="checkbox"/> APPLICATION PROCESS	<input type="checkbox"/> PERFORMING JOB FUNCTIONS OR ACCESSING WORK ENVIRONMENT	<input type="checkbox"/> ACCESSING A BENEFIT OR PRIVILEGE (e.g., attending a training program or social event)

TYPE(S) (e.g., adaptive equipment, staff assistant, removal of architectural barrier)

Need accommodation to not to be reassigned to Special Services, Landover, MD.

REASON(S) (If accommodation is time sensitive, please explain)

I have an subluxation of the spine, arthritis of the right knee, impaired movement in both ankles due to ganglion cysts and nerve involvement, and high blood pressure. The subluxation of my spine is not curable and the symptoms from the subluxation are increased and magnified by walking distances on hard surfaces (i.e. concrete sidewalks, hard tiled surfaces and any other hard surfaces etc.). The subluxation is also aggravated by sitting in upright positions, leaning over desks and pressure on thighs after sitting for length of times over 15 minutes.

My high blood pressure is elevated and aggravated by the pain and discomfort I suffer from walking associated my subluxation and from extensive work related stress. Both ankles, both feet and my knee are also impacted by walking on hard surfaces. Walking to the Landover location from the Landover metro will cause additional trauma to my existing health condition.

These conditions have had a negative and significant impact on my daily living. I have been provided a Handicap permit from the State of Maryland based on my difficulty in walking over 300 feet without difficulty. I no longer am able to enjoy daily activities of leisure walks or shopping for over short periods of time. Although I am able to walk, my stride is not normal, where I drag my feet. I do so with great difficulty and pain.

Additionally, there is no Health Unit at the Landover location which I need to have available while I'm at work to monitor my health condition when needed.

I understand that under the GM&A Realignment I would not experience any change in my working conditions. For me to move to the Landover location would definitely be a major change in my working conditions.

SIGNATURE OF REQUESTOR

DATE

03/10/2011

GENERAL SERVICES ADMINISTRATION

GSA FORM 3676 (11-2001)

Exhibit 3

Denial of RA dated April 4, 2011

Exhibit 4

Trisha Dames, PA-C letter dated May 5, 2011

Dawne M. Carroll, M.D.

Medical Director

09/19/1947

May 05, 2011

ID# 0005

Trisha Dames, PA-C

To Whom It May Concern:

MS. MELBA DAVIS HAS BEEN UNDER MY CARE SINCE MAY 2008. MS. DAVIS IS A DILIGENT PATIENT AND ENSURES THAT SHE RECEIVES HER PHYSICALS ON AN ANNUAL BASIS, INCLUDING LABORATORY WORK AND RADIOLOGICAL STUDIES.

DURING THE PAST TWO YEARS, OUR OFFICE RECEIVED A TELEPHONE CALL FROM THE NURSE AT THE GENERAL SERVICES ADMINISTRATION HEALTH ROOM ON 7TH AND D STREETS, SW WASHINGTON REGARDING MS. DAVIS ELEVATED BLOOD PRESSURE. DURING THE CALL, THE NURSE ADVISED THAT MS. DAVIS FIRST BLOOD PRESSURE READING WAS AT A LEVEL THE NURSE INITIALLY CONSIDERED CALLING FOR EMERGENCY PERSONNEL. ON THE SECOND READING, MS DAVIS BLOOD PRESSURE READING WAS SLIGHTLY DIMINISHED, AT WHICH TIME THE NURSE ADVISED MY OFFICE THEIR INSTRUCTION FOR MS. DAVIS TO SEEK IMMEDIATE MEDICAL ATTENTION. MS. DAVIS COMPILED AND REPORTED TO OUR OFFICE FOR EXAMINATION. SINCE THIS EPISODE MS. DAVIS HAS BEEN DIRECTED BY MY OFFICE TO HAVE HER BLOOD PRESSURE CHECKED ON A REGULAR BASIS AT THE GSA HEALTH ROOM, AS WELL AS IN MY OFFICE.

MS. DAVIS IS CURRENTLY PRESCRIBED MEDICATION TO CONTROL HER HYPERTENSION. EVEN SO, MS. DAVIS REPORTS THAT DUE TO THE EXTREME STRESS THAT SHE IS EXPERIENCING AT HER WORK, SHE SOMETIMES EXPERIENCES SYMPTOMS OF ADNORMAL BLOOD PRESSURE. AS MS. DAVIS HYPERTENSION IS CURRENTLY NOT CONSIDERED UNDER CONTROL, SHE CONTINUES TO REQUIRE MONITORING ON A REGULAR BASIS, ESPECIALLY WHILE AT WORK.

MS. DAVIS REPORTS THAT HER MANAGERS AT GSA HAVE PROPOSED TO MOVE HER TO A WORK SITE THAT IS NOT EQUIPPED WITH A HEALTH UNIT OR MEDICAL PERSONNEL. CONSIDERING MS. DAVIS MEDICAL HISTORY AND HER PAST MEDICAL NEEDS AT WORK, I AM RECOMMENDING THAT MS. DAVIS SHOULD NOT BE MOVED TO ANY WORK SITE THAT DOES NOT PROVIDE HER WITH THE ABILITY TO ASSESS REGULAR MONITORING AND MEDICAL CARE WITHIN THREE-FIVE MINUTES OF HER WORK AREA. IF MOVED COULD POSSIBLY PUT MS. DAVIS AT RISK TO MAJOR HEALTH INCIDENT.

If you have any questions or concerns, please contact my office at (301-805-4348)

(b) (6)

Dawne M. Carroll, MD

7401 Forbes Blvd., Suite B-2
Lanham, MD 20706
Telephone (301) 805-4FIT (4348)
Fax (301) 805-6779

PAC

1600K Crystal Square Arcade
Arlington, VA 22202
Telephone (703) 418-1870
Fax (703) 418-2870

2011 MAY -5 P 2:26
GSA-NCR
HUMAN RESOURCES DIVISION



Joann Robinson <joann.robinson@gsa.gov>

Melbea Davis RA medical review

4 messages

joann.robinson@gsa.gov <joann.robinson@gsa.gov>
To: medical.employability@foh.hhs.gov
Cc: joann.robinson@gsa.gov

Fri, May 13, 2011 at 9:21 PM

GSA is requesting a medical review in connection with a request for reasonable accommodation on behalf of our employee, Ms. Melbea Davis, Budget Analyst, GS-13. Ms. Davis is requesting not to be reassigned or moved to a work site that is not equipped with a health unit or medical personnel. Attached is the transmittal and history/background of the case. Ms. Davis completed form FOH-6 ME 052410 and returned it by email but refused to sign the without her union representative reviewing the form first. I did not want to delay the transmittal because the move is scheduled for May 23. Please review the package and let me know who will be reviewing the information. Ms. Davis is requesting the name of the doctor. If you need verification of the email, I will forward it to you upon request. In the meantime, I am sure you may have a better chance and having Ms. Davis sign the form that I did. ...

Joann T. Robinson
Chief, Employee and Labor Relations Branch
Human Resources Services, National Capital Division (CPN)
Office of the Chief Human Capital Officer
301 7th Street, SW, Room 1021
Washington, DC 20407
Ph: (202) 708-5314 Cell: (b) (6)
Fax: (202) 692-3138, Blat

CONFIDENTIALITY NOTICE

This email message and any attachments to this email may contain confidential information. The information is intended for the use of the individual or entity to whom it is addressed. Please do not forward this message without permission. If you are the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying distribution or taking of any action in reliance on the contents of this transmission is strictly prohibited. If you have received this transmission in error, please notify me immediately by telephone or return email and destroy the original email message, any attachments thereto and all copies thereof.

(See attached file: Melbea - FOH medical review transmittal.TIF)

To: Medical.Employability@foh.hhs.gov

The employee stated that she provided an electronic signature.
[Quoted text hidden]



GSA National Capital Region

MEMORANDUM FOR: MELBEA N. DAVIS
BUDGET ANALYST
PUBLIC BUILDINGS SERVICE (PBS)

FROM: GEORGIA DAVIS-LEGGETT (b) (6)
CHIEF FINANCIAL OFFICER
PUBLIC BUILDINGS SERVICE (PBS)

SUBJECT: Decision on Reasonable Accommodation Request

This letter is my final decision on your request for reconsideration regarding your request for reasonable accommodation pursuant to Section 501 of the Rehabilitation Act of 1973 and the General Services Administration (GSA) Order on Reasonable Accommodation. After consultation with the National Capital Region, Human Resources Division, the deciding official, and a review of the record, my findings are as follows.

Background

On January 10, 2011, notification was provided to your union representative of management's intention to reassign you effective January 30, 2011. Your reassignment to a Budget Analyst, GS-0560-13 position in the PBS Special Services Division located in Landover, Maryland, would result in you moving from the Regional Office Building (ROB) to the Landover, Maryland location. Hiring restrictions coupled with additional workload requirements continues to be the business need for the proposed new assignment. After assessing the organizational need for budget expertise and considering your budget experience, it was determined your talents would be best utilized in PBS/Special Services. On January 14, 2011, your union representative, Mr. O'Brycki, advised that you had medical reasons for not moving to Landover, Maryland. Human Resources requested medical documentation in support of your request to be allowed to remain in the ROB.

You later submitted GSA Form 3076, Confirmation of Reasonable Accommodation dated March 10, 2011. In your written request, you asked that the GSA provide you the following accommodation and you provided the following reason(s):

"Need accommodation to not to be reassigned to Special Services, Landover, MD. I have a subluxation of the spine, arthritis of the right knee, impaired movement in

both ankles due to ganglion cysts and nerve involvement, and high blood pressure. The subluxation of my spine is not curable and the symptoms from the subluxation are increased and magnified by walking distances on hard surfaces (i.e. concrete sidewalks, hard tiled surfaces and other hard surfaces etc.) The subluxation is also aggravated by sitting in upright positions, leaning over desks and pressure on thighs after sitting for length of times over 15 minutes. My high blood pressure is elevated and aggravated by the pain and discomfort I suffer from walking associated [sic] my subluxation and from extensive work related stress. Both ankles, both feet and my knee are also impacted by walking on hard surfaces. Walking to the Landover location from the Landover metro will cause additional trauma to my existing health condition. These conditions have had a negative and significant impact on my daily living. I have been provided a Handicap permit from the State of Maryland based on my difficulty in walking over 300 feet without difficulty. I no longer am able to enjoy daily activities of leisure walks or shopping for over short periods of time. Although I am able to walk, my stride is not normal, where I drag my feet. I do so with great difficulty and pain. Additionally, there is no Health Unit at the Landover location which I need to have available while I'm at work to monitor my health condition when needed. I understand that under the GM&A Realignment I would not experience any change in my working conditions. For me to move to the Landover location would definitely be a major change in my working conditions."

On April 4, 2011, after receiving medical documentation and considering your written reasonable accommodation request, your request for reasonable accommodation was denied based on lack of sufficient medical documentation. On April 7, 2011, you were advised that the reassignment would be effective as planned to the Special Services Division in Landover, Maryland, on April 24, 2011.

On April 20, 2011, you requested permission to submit additional medical documentation. In an effort to allow adequate time for review of any subsequent medical documentation, management decided to temporarily detail you into the Budget Analyst, GS-0560-13 position in the Special Services Division. Instead of requiring you to report immediately to the Landover, Maryland location, management provided you with temporary accommodations by allowing you to remain at your current location at the ROB and telework five (5) days per pay period. The detail was effective April 24, 2011 with a not to exceed date of August 21, 2011. The detail was later extended with a not to exceed date of September 30, 2011.

Documentation Submitted to Support Reasonable Accommodation Request

In a letter dated February 7, 2011, the following was submitted by your chiropractor, James J. Holding, D.C., C.C.S.P about your condition:

"The above captioned patient first entered our office on April 10, 2008 for evaluation and management of low back pain, neck pain, and left ankle pain and

swelling. I had previously advised the patient to avoid all prolonged postures and activities but neglected to specifically mention walking. In fact, prolonged walking and standing is quite difficult for this patient due to her left ankle problem as well as her low back condition. In my previous letters I had recommended Ms. Davis avoid prolonged sitting as well as bending and lifting."

Dr. Carroll's office provided the following in a letter dated May 5, 2011:

"...Ms. Davis has been directed by my office to have her blood pressure checked on a regular basis at the GSA Health Room, as well as in my office." "As Ms. Davis Hypertension is currently not considered under control, she continues to require monitoring on a regular basis, especially at work."

In an effort to seek consultative review of your request, medical condition, and possible accommodations, the Human Resources Division consulted with Dr. Lawrence Saladino, Occupational Medicine Consultant, Department of Health and Human Services, Federal Occupational Health Service. In addition to the GSA Form 3076 and medical documentation mentioned above, Dr. Saladino also reviewed additional medical documentation provided by your doctors and a copy of your position description. Dr. Saladino notes that while Dr. Holding provided a list of symptoms, the specific diagnosis, prognosis, treatment summary or plan was not provided. Dr. Saladino also states the history of these symptoms, clinical findings or diagnostic test results were also not offered to explain the basis for recommending any restrictions or limitations on activity. Furthermore, Dr. Holding did not provide documentation on how remaining at your present job location would specifically benefit your condition. While Dr. Carroll recommends that you should have the ability to assess your blood pressure and availability of medical care within three to five minutes of your work area, Dr. Saladino points to the fact that Dr. Carroll did not provide any documentation of specific blood pressure readings or treatment information to provide a medical basis for restricting or limiting your work activities within a three to five minute radius of medical care.

Decision

When processing reasonable accommodation requests, the agency is required to consider your request by examining your alleged disability, medical documentation, the essential duties of your position, the operational requirements, the workload demands of your work unit, and to determine whether or not reasonable accommodation is required. If it is determined that reasonable accommodation is required, the key is to grant an accommodation that is effective but also reasonable for the agency. The agency is not required to provide the *specific* accommodation you requested and, in fact, may provide an alternative accommodation.

After considering your request and relevant information, I have decided to sustain the original decision that denied your request to not be reassigned to the Special

Services Division in Landover, Maryland. Therefore you will be reassigned to the Special Services Division in Landover, Maryland effective September 25, 2011.

As to your assertion that you must be located in a facility with a health unit, we consulted with the medical office in the GSA building on 7th & D Street SW; they provided specific procedures followed by the GSA Health Unit for any patient with hypertension. Specifically, if the blood pressure is dangerously high, the GSA Health Unit nurse calls 911. There are at least 4 different urgent medical centers within 15 minutes of the GSA Special Services Center, 3101 Pennsy Drive, Landover MD 20785. The closest site, Prince George's Hospital Center, is only 7 minutes (2 miles) away compared to the closest medical center to GSA NCR which is 11 minutes (3 miles) away at the Urgent Care Center on 908 New Hampshire Avenue NW, Washington D.C. 20037. I believe the close proximity of the Prince George's Hospital Center will provide us with the support needed to quickly address any medical emergencies.

Although I have decided to deny your specific request, I have decided to provide the following alternative accommodations taking into consideration and in consultation with your new management team:

- 1) You will be permitted a regularly scheduled break for 15 minutes twice a week to self monitor your blood pressure at work.
- 2) GSA will purchase a blood pressure medical device, "OMRON" or equivalent device for your use while at the office.
- 3) Parking in front of the facility in Landover, Maryland will be provided. The parking space will be 30 feet from the front entrance to the door.
- 4) You will continue to be permitted to telework on Monday and the second Friday of the pay period for a total of three (3) days per pay period. You will also be allowed to remain on your alternative work schedule with the first Friday of the pay period off.
- 5) You will be allowed to maintain office space at the ROB and Landover office with the following schedule:
Monday - Telework
Tuesday - Landover Office
Wednesday - ROB Office
Thursday - Landover Office
Friday - Telework/AWS

If you have any questions, please contact Sherrie Sesker, Lead Employee Relations Specialist, NCR, Human Resources Division. Ms. Sesker can be reached at (202)273-4934 or through email at sherrie.sesker@gsa.gov.

(b) (6)

9/21/11
Date



GSA National Capital Region

April 4, 2011

MEMORANDUM FOR: MELBEA DAVIS
BUDGET ANALYST, GS-560-13
PUBLIC BUILDINGS SERVICE

(b) (6)

FROM: JOANN T. ROBINSON, CHIEF
EMPLOYEE AND LABOR RELATIONS BRANCH
HUMAN RESOURCES SERVICES (CPN)
NATIONAL CAPITAL DIVISION

SUBJECT: Response to Request for Reasonable Accommodation

This is in response to your request dated March 10, 2011, requesting not to be reassigned to Special Services Center in Landover, Maryland as a form of reasonable accommodation due to your current medical condition.

On January 10, 2011, Robert O'Brycki, NFFE Vice President, was notified of Management's proposal to reassign you effective January 30, 2011, to a Budget Analyst, GS-560-13 position within the Special Services Division located in Landover, Maryland. On January 14, 2011, Mr. O'Brycki requested to negotiate and informed me that you had medical reasons for not moving to Landover, Maryland. At that time, I requested medical documentation and Mr. O'Brycki agreed to ask you to provide the required medical documentation to support not moving you from the Regional Office Building (ROB) to Landover, Maryland.

On February 11, 2011, I received a copy of a letter from Dr. James Holding dated February 7, 2011, stating that you were first seen in his office on April 10, 2008, for evaluation and management of low back pain, neck pain, and left ankle pain and swelling. He mentioned that prolonged walking and standing is difficult due to your left ankle problem and low back condition; and that you should avoid prolonged sitting as well as bending and lifting. Dr. Holding states that your condition is not curable but it is controllable with some lifestyle changes.

Your March 10, 2011, request for reasonable accommodation (attached) states that symptoms from your medical conditions are magnified by walking distances on hard surfaces (i.e. concrete sidewalks, hard tiled surfaces and any other hard surfaces, etc). You stated: "The subluxation is also aggravated by sitting in upright positions, leaning over desks and pressure on thighs after sitting for length of times over 15 minutes." You also added that there is no Health Unit at the Landover location which is needed to monitor your health condition.

On March 9, 2011, I informed Mr. O'Brycki that Management was willing to offer you a handicap parking permit to eliminate the prolonged walking from the Landover metro to the Landover office. Also, there is no additional working required once you arrive to your assigned working space. I also note that the recommendations made by Dr. James Holding for an ergonomic environment such as an orthopedic chair was provided to you under a separate reasonable accommodation almost a year ago. Therefore, your new space will have the same type of ergonomic working environment.

Based on the above, I find that your medical documentation lacks specificity as to how your medical condition will affect you in performing the essential duties of your position as a Budget Analyst in the Landover building as opposed to performing the same duties in ROB. There is no medical basis for any conclusion which indicates the likelihood that you may or may not experience sudden or subtle incapacitation by carrying out the tasks or duties of your position as a Budget Analyst with or without accommodation. Your concern regarding changing your working conditions as it relates to the GM&A realignment is being addressed with your Union representative.

Based on the above, I am denying your request not to be reassigned to the Special Services Division in Landover, Maryland as a form of reasonable accommodation for the following reasons:

First, although the medical evidence you provided dated February 7, 2011, does indicate that your subluxation of the spine is not curable or permanent, the evidence does not describe how your medical condition will become magnified if you are reassigned and moved to the Landover office. Your proposed commute from home to the Landover office will be approximately 8.5 miles as opposed to approximately 20+ mile commute to ROB.

Second, your request alleges that you need to have a Health Unit available to monitor your health condition. Your medical documentation does not indicate that you are required to be near a health facility. It does state that Dr. Holding has been evaluating

and managing your low back pain, neck pain, and left ankle pain and swelling but no further treatment is mentioned.

Finally, the essential duties of your Budget Analyst position include performing administrative, analytical, and advisory staff work which involves the formulation, justification, presentation, execution and review of the PBS accounts. The Agency relies upon you to perform the essential duties of your Budget Analyst position to include getting to and from meeting places away from the work site.

The Employee Assistance Program is a possible resource for help in resolving any physical, emotional, or financial problems, which may be adversely affecting you. The counseling services are confidential and the telephone number to call is 1-800-222-0364.

If you have questions, please contact me on 202-708-5314.

Attachments

GS Form 3676

February 7, 2011 letter